

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NOVADAQ TECHNOLOGIES, INC.,	)	Case No. 5:14-cv-04853-PSG
Plaintiff,	)	<b>ORDER RE: NOVADAQ'S MOTION</b>
v.	)	<b>FOR LEAVE TO FILE</b>
KARL STORZ GMBH & CO. KG, et al.,	)	<b>SUPPLEMENTAL EVIDENCE IN</b>
Defendants.	)	<b>SUPPORT OF ITS MOTION FOR</b>
	)	<b>SANCTIONS</b>
	)	<b>(Re: Docket No. 205)</b>

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Plaintiff Novadaq Technologies, Inc. moves for leave to file supplemental evidence in support of its motion for sanctions because Defendants Karl Storz GmbH & Co. KG et al. filed spreadsheets in its expert reports that were not produced during fact discovery.<sup>1</sup> Karl Storz opposes, contending that the spreadsheets were created for the expert reports and so did not need to be produced, and that Novadaq did not meet and confer pursuant to L.R. 7-11(a).<sup>2</sup> Karl Storz's arguments largely go to the merits, which Karl Storz has an opportunity to address at oral hearing

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<sup>1</sup> See Docket No. 205.

<sup>2</sup> See Docket No. 206 at 2, 5.

1 on August 18, 2015. While the court agrees with Karl Storz that Novadaq should have attempted  
2 to meet and confer, the court has discretion to grant or deny a motion that lacks compliance under  
3 the local rules.<sup>3</sup> Novadaq's motion therefore is GRANTED.

4 **SO ORDERED.**

5 Dated: August 10, 2015

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7 PAUL S. GREWAL  
United States Magistrate Judge

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26 <sup>3</sup> Cf. *Tri-Valley CAREs v. U.S. Dept. of Energy*, 671 F.3d 1113, 1131 (9th Cir. 2012) (“Denial of a  
27 motion as the result of a failure to comply with local rules is well within a district court’s  
discretion.”).